

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAZZ PHARMACEUTICALS, INC. and
JAZZ PHARMACEUTICALS IRELAND
LIMITED,

Plaintiffs,

v.

ROXANE LABORATORIES, INC.,

Defendant.

Civil Action No. 2:15-cv-01360 (ES)(JAD)
: [Consolidated]

SCHEDULING ORDER FOR U.S. PATENT NOS. 8,461,203, 8,859,619, AND 8,952,062

THIS MATTER having been opened to the Court by counsel for Plaintiffs Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited (collectively, "Jazz") and Defendant Roxane Laboratories, Inc. ("Roxane") for the entry of a scheduling order in the above matter; and the Court having held a Status Conference on May 4, 2016; and the Court having considered the submissions and any arguments of the parties; and for other and good cause having been shown;

IT IS on this 26th day of May, 2016, hereby

ORDERED that the following schedule shall govern the above action with respect to the '203, '619, and '062 patents¹:

¹ The parties agreed that proceedings relating to U.S. Patent Nos. 8,77,306 and 9,050,302 should continue to be stayed pending resolution of IPR2016-00546. Roxane reserves all rights to request that the proceedings for the '306 and '302 patents be consolidated into this action should the Patent and Trademark Office's Patent Trial and Appeal Board not institute IPR2016-00546.

| <u>EVENT</u> | <u>DATE</u> |
|---|--------------------|
| Plaintiff identifies asserted claims | June 1, 2016 |
| Defendant serves non-infringement and invalidity contentions of asserted claims | June 13, 2016 |
| Parties Submit proposed Discovery Confidentiality Order | May 27, 2016 |
| Plaintiff serves infringement contentions and response to invalidity contentions | August 1, 2016 |
| Parties exchange proposed terms for construction and thereafter meet and confer to narrow issues | August 15, 2016 |
| Parties exchange preliminary proposed constructions and identifications of intrinsic and extrinsic evidence and thereafter meet and confer to narrow issues | September 6, 2016 |
| Parties exchange evidence opposing proposed claim constructions | September 19, 2016 |
| Parties file Joint Claim Construction and Pre-hearing Statement | October 3, 2016 |
| Parties complete fact discovery related to claim construction | October 31, 2016 |
| Parties file opening <i>Markman</i> papers, including any expert declarations | November 14, 2016 |
| Parties complete expert discovery regarding <i>Markman</i> issues | December 19, 2016 |
| Parties file responsive <i>Markman</i> papers | January 23, 2017 |
| Parties propose schedule to the Court for Claim Construction Hearing | February 6, 2017 |
| Deadline for motions to amend pleadings or add parties | January 16, 2017 |
| Close of fact discovery | April 13, 2017 |

| <u>EVENT</u> | <u>DATE</u> |
|--|---|
| Opening expert reports on issues for which the party bears the burden of proof | 60 days after the close of fact discovery or the Court's <i>Markman</i> opinion, whichever is later |
| Rebuttal expert reports | 60 days after opening expert reports |
| Reply expert reports | 30 days after rebuttal expert reports |
| Close of expert discovery | 60 days after reply expert reports |
| Last day to file dispositive motions | 45 days after the close of expert discovery |
| Final pretrial conference | To be determined |
| Trial | To be determined |


 HONORABLE JOSEPH A. DICKSON
 UNITED STATES MAGISTRATE JUDGE